

# City of Willoughby Hills

## Regular Council Meeting Minutes of October 8, 2015

*All Council Meetings shall be recorded by audio recording device and will be held in perpetuity and shall be part of the official records and minutes. Written minutes of Council shall be shortened whenever possible.*

*Meeting Called to Order at 7:01 p.m. by President Raymond C. Somich*

### *Pledge of Allegiance*

### Roll Call of Council

**Members Present:** Councilman David M. Fiebig, Councilman Christopher Hallum, Councilman John Plecnik, President Raymond C. Somich, Councilman Christopher L. Biro, Vice President Nancy E. Fellows

**Absent:** Councilwoman Jennifer Sommers Greer

**Also Present:** Mayor Robert M. Weger, Law Director Thomas G. Lobe, Finance Director Frank J. Brichacek, Jr., City Engineer Pietro A. DiFranco, Clerk of Council Victoria Ann Savage

**MOTION WAS MADE BY COUNCILWOMAN FELLOWS**, seconded by Councilman Plecnik to excuse Councilwoman Jennifer Sommers Greer from the Regular Council Meeting of October 8, 2015.

**President Somich:** She did advise me that she would miss this and expressed her regrets to Council.

**Roll Call:** 6 AYES – unanimous

**MOTION PASSES**

**President Somich stated that Councilwoman Jennifer Sommers Greer has been excused from the Regular Council Meeting of October 8, 2015.**

### PRESENTATION

**President Somich:** Before we get into our main items here this evening, we have two items that we would like to take care of we have a couple of guests in our audience and one we are going to call forth in just a moment; but before we even do that we are the recipient of a very special award and I would like to introduce the Mayor to talk about that here this evening.

**Mayor:** Well, you all know that we got the Audit last week and it came back as an excellent audit and the next day we received an award from the Auditor of the State he says: Congratulations, based on your recent completed financial audit it gives me great pleasure to inform you and the City of Willoughby Hills that we received the Auditor of State's Award. Clean and accurate bookkeeping are the foundation for a good government and the taxpayers can take pride in your commitment to accountability. The Auditor of State has given this to those entities that file timely annual reports accordingly to GAP as well as receipted a clean audit. The clean audit report means that your financial audit did not contain any findings for recovery, material citations or material weaknesses or significant deficits, a single audit findings or questioned cost. Congratulations again on receiving the Auditor of State, my office looks forward to ensuring that you have clean audits in the future and this is the Auditor's Award. I must say that I'm very proud of Frank for the 2013-14 Audit that he got this; it's the first time in the City that we ever got this award and thank you Frank and thank you all of Council and the Administration for the hard work that they did to receive this audit.

**Finance Director Brichacek:** I'd just to say that this is one step, it's been a long, long road from the point where our City was in auditable to where we are today. This is just a starting point we build on. We look at this as we are giving the citizens of the City, the government that they expect and that they deserve; and we look to try to build on this and improve as we go into the future. I would like to thank the Mayor for his support, the City Council and all of the past Councils over that last seven years for the support and encouragement that they provided. And most of all, I would like to thank the staff of this City, while this award is in my hands, it is the result of the hard work of all of the Directors and support staff of the City because without their commitment to change and to be open to new ideas and the willingness to follow procedures when sometimes maybe those procedures may not seemed to make sense, it is remarkable, it's what got us to where we are today. So it's a real feather in the cap of the City of Willoughby Hills. We look forward to having more of these in the future.

**President Somich:** At this time I would like to entertain a Motion; we have two guests with us, special guests, we actually have a large crowd with us tonight, we welcome all of you but we have two guests that we have invited here this evening. One that we will here from later on in the meeting is former Council President David Reichelt who I have invited but before that, at this time actually, we would like to acknowledge our Lake County Engineer Jim Gills who is with us and he is here to talk about one of the pieces of legislation here this evening, and to answer any questions regarding that and at this time I would like to entertain a Motion to amend the Agenda to allow him to come up and do this.

**MOTION WAS MADE BY COUNCILMAN PLECNIK**, seconded by Councilman Hallum to amend the Agenda to include a presentation and interaction, if you will, with County Engineer Jim Gills.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich: Motion passes, the Agenda has been amended. I know that Jim interacted with Council Vice President Fellows on this so I will turn this over to her in terms of the specifics as to why he is here.**

**Vice President Fellows:** Thank you Mr. President and good evening everyone. Earlier this week I had an opportunity to chat with our County Engineer Jim Gills, specifically about Rt. 91 Resurfacing Project next year which is going to involve the City of Willoughby as well and in the course of conversation, Jim offered to come to a meeting to answer any questions or to address any concerns and so I took him up on it. So I had invited him to come to our Council Meeting this evening, so Jim, if you don't mind coming forward and anybody on Council or I guess, Ray if you open it up to Public Portion for that?

**President Somich:** Let's start with hearing a little overview from Jim, we're honored to have him, I'm sure that you've been here in the past, many times, but it's been a while. So we want to welcome you and thank you Jim for especially all of the work that has been done in cooperation with the County this year. There have been a lot of projects done through the County and in our community and we're very grateful for your assistance with that and know that we have some other mayor issues like Rt. 91 coming up. Is there anything that you would like to start with and tell us...

**Lake County Engineer Gills:** Not particularly....basically what this project is all about it is a joint project between Willoughby and Willoughby Hills on State Route 91 going from the County line, Cuyahoga County line North to Route 20. It is money from NOACA; NOACA has a special program that it looks at particularly areas that have... that are in need for a quick resurfacing project, general maintenance and they picked about 15 projects around the five counties and most of them are in Cuyahoga of course because they have the largest, biggest need but we have two projects here in Lake County. One is in Mentor and your project here on State Route 91. It is about a 2.1 million dollar project; it is primarily what we call a mill and fill which we will just clean off the top, fix any kind of problems we find, fix some bad curbs, add some...update your ramps, your handicap ramps and then they will resurface the road. It probably will...this particular money runs out so that it must be done this coming year in 2016. It is fast tracked; we have a date of January 15<sup>th</sup> to submit it to ODOT. It will be advertised, reviewed and advertised in probably March, middle of March. Bids will be taken near the first of May or so and hopefully that is when the contractor will start. We consented to this at the request of NOACA; NOACA called the Lake County Engineer's office and said we have this joint project, we've talked to both Willoughby and Willoughby Hills and they were in agreement that if the County was willing to project manage the project they would be happy, so obviously we've done this before we've worked with you guys tremendous amounts since I've been in office so I said yep, we'll do it,

not a problem. So we've gone out on the street and have picked an Engineer and that Engineer was picked by a Board, a Selection Board of the Mayor, your Mayor, a member of somebody from Willoughby and our Project Manager. That Engineer is Chagrin Valley Engineering. So I have put together an Agreement between the two Cities and the Lake County Commissioners and I believe that is before you this evening. If there are any questions, I would be more than happy to answer them.

**Councilman Fiebig:** Thanks Jim for being here tonight and for your work on this project we are looking forward to that road being smoothed out and I know that the residents will be concerned with whether the lanes will remain open; do you anticipate any closures?

**Lake County Engineer Gills:** No. What they will probably do is pave in one direction and just move everything over go the other direction and continue moving over. I would not anticipate anything like that. We should be able to keep everything up and running. **Councilman Fiebig:** Good, good, thank you.

**Councilwoman Fellows:** So in the course of my conversation with Jim earlier, some of the things that he had said this evening are questions that I had that he answered. I was inquiring about the engineering company that was going to be doing this, about the bids, about when the money ran out, what our responsibilities were for the percentage of monies versus Willoughby's, ours is more 60.4% versus 39.6% and some of that is in our Exhibit for Ordinance No. 2015-42 as well but so those were the questions that I had that Jim was able to answer for me so he reiterated those now so if you have other questions....

**President Somich:** I do have one because I am very familiar with the Bishop Road Project that we had a number of years ago and how a lot of people were inconvenienced in terms of access to their driveways, businesses that didn't have access for extended periods of time, do we anticipate any of that happening with the shutdown of the roads?

**Lake County Engineer Gills:** No, not really because this is a five lane road and there is plenty of room to keep everything going and that will be part of the contract. And our inspectors will make sure that happens.

**President Somich:** Is the work being done only in the day, will there be evening work, do you think?

**Lake County Engineer Gills:** I think that it will be done only during the day. If we get early bids and they get a good start this could probably get done in less than 60 days. It is not a very complicated project. Just expensive. The other thing...let me explain also the way this will work that is the two cities will be putting their local share together and sending it to the County Auditor; we have already set up a separate account for this. We will pay all the bills out of that account and then if there is any money left we will reimburse each city its percentage. If you have requests for something special in your area we will take a look at that and if we can work it into the contract we will and that will be at 100% local cost. The 2.1 million dollars is a cap and it is on an 80-20 so the joint project, local share of the construction is about \$400,000 and some change. The engineering fee which has been submitted is \$73,600 I believe and that will be shared on a percentage basis, so now there will be some cost of inspection and administration afterwards. The administration will be very minor, if at all. The inspection is again, if the bids are low enough they will allocate 3% of that...inside that 2.1 million dollars for construction inspection on an 80-20 basis, so the Grant would cover 80% of the inspection cost and the local share again would be 20%. The fee that is in there that was my initial estimate, again I was very conservative in my numbers so that it will be a little bit higher than initially of the costs but as you know until we get the final numbers we won't know exactly where it will cost. And that's the same thing true with the contractor costs, if the contractor bids are 5 million dollars that means that \$300,000 local share there's \$100,000 on the table that are left, that comes back on the percentage basis.

**President Somich:** We won't count on that.

**Road Superintendent Grubiss:** .....not transcribable.....

**Councilman Fiebig:** Would you mind repeating the question?

**Lake County Engineer Gills:** He was wondering about the manholes and water boxes, he wanted to know if they were all going to be new? No, not on a resurfacing job, we don't do that generally speaking, if they are in good condition we just use the old ones, if they're not, that would be a Change Order that we would give the contractor; that's what the extra money is for. Road Superintendent Mark Grubiss indicated that we have some old and or damaged manhole, water boxes. **Lake County Engineer Gills:** In the Willoughby Hills section, we'll notify the contractor. The Engineer to contact you to find out where those are and decide what we want to do with them.

**Councilman Hallum:** I understand that you are doing a lane at a time; is it sections of the road at a time as well?

**Lake County Engineer Gills:** Well, you're asking me the contractor's means and methods, I am going to say yes and no. In my experience a lot of times they'll do maybe two lanes at a time, sometimes one lane at a time....

**Councilman Hallum:** They're not going to do from the County line all the way to Rt 20 on one lane....

**Lake County Engineer Gills:** He'll go in one direction for the most part.

**Councilman Hallum:** All the way from one end to the other per lane...

**Lake County Engineer Gills:** For the most part unless we sit down and do it differently...we can dictate somewhat as to how he does it and if there is a concern about that then contact us and we will make sure that the contract is set up that way because we will put that in the specifications as to how we want it....basically how we want it done and then he'll bid it that way.

**Councilwoman Fellows:** I don't know who was in past meetings, Jim but the gentleman sitting is Mark Grubiss, he is our Road Supervisor. I didn't know if the two of you have met...

**Lake County Engineer Gills:** No we hadn't met but I guessed that he had some...

**Councilwoman Fellows:** So he has that expertise, that's why he was asking that question....

**President Somich:** Jim, has there been any area on 91 where you think that they have to do more than just the scrape and re-asphalting, are there any considerable tearing up that has to be done?

**Lake County Engineer Gills:** At this moment, at this time the Engineer has not contacted us and said that we have a bad area, come out and look at it. They are just getting started with doing the survey work and all that kind of stuff so if there is or if you know of one contact us and we will make sure that they look at it and my staff will look at it.

**President Somich:** Any other questions for our Lake County Engineer? All right we want to thank you very much again for being with us this evening...**Lake County Engineer Gills:** I look forward to working with you guys... and thank you...if you have any problems, you know where to find me.

**President Somich:** All right resuming our Regular Agenda, next order of business is the Disposition of the Journals and there are a number of them that have been prepared for us and for our review and our approval. We need to take these on an individual basis.

#### **Disposition of the Journal     Regular Council Meeting Minutes of July 23, 2015**

**MOTION WAS MADE BY COUNCILMAN BIRO,** seconded by Councilman Fiebig to adopt the Regular Council Meeting Minutes of July 23, 2015 as submitted.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Somich declared that the Regular Council Meeting Minutes for July 23, 2015 have been approved as submitted.**

### **Special Council Meeting of August 10, 2015**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Biro to adopt the Special Council Meeting Minutes of August 10, 2015 as submitted.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Somich declared that the Regular Council Meeting Minutes for August 10, 2015 have been approved as submitted.**

### **Special Council Meeting of August 25, 2015**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilwoman Fellows to adopt the Special Council Meeting Minutes of August 25, 2015 as submitted.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Somich declared that the Special Council Meeting Minutes for August 25, 2015 have been approved as submitted.**

### **Special Council Meeting of August 31, 2015**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Plecnik to adopt the Special Council Meeting Minutes of August 31, 2015 as submitted.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Somich declared that the Special Council Meeting Minutes for August 31, 2015 have been approved as submitted.**

### **Special Council Meeting of September 1, 2015**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilwoman Fellows to adopt the Special Council Meeting Minutes of September 1, 2015 as submitted.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Somich declared that the Special Council Meeting Minutes for September 1, 2015 have been approved as submitted.**

### **Regular Council Meeting of September 10, 2015**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Fiebig to adopt the Regular Council Meeting Minutes of September 10, 2015 as submitted.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Somich declared that the Regular Council Meeting Minutes for September 10, 2015 have been approved as submitted.**

### **Regular Council Meeting of September 24, 2015**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilwoman Fellows to adopt the Regular Council Meeting Minutes of September 24, 2015 as submitted.

**President Somich:** I have one item; my minutes, I believe are attached to this one, the Minutes of the Finance Committee. Our Council Clerk was kind enough to transpose those for me and there was one...in the Meeting Minutes of September 24<sup>th</sup> there was one word that needs to be scratched the word “not” should not be there. So it is on page 9 of 15 if anybody wants to follow it is says: “Our Income Tax collection is about 1.8% ahead of last year’s which is a nominal amount but we earlier had been behind so that was a good report” and the word “not” was inadvertently put in there. So I would like to propose that we make that one minor word deletion, as amended so can I ask that the Motions be changed to “As Amended”? **Councilman Fiebig:** Yes, as amended.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Somich declared that the Regular Council Meeting Minutes for September 24, 2015 have been approved as amended.**

## **CORRESPONDENCE**

City Engineer's Report dated October 1, 2015 (Emailed: October 2, 2015)

WH Community Center Rentals for September 2015 (Emailed: October 6, 2015)

Mayor's Court Monthly Statement to City Council of Fines and Other Monies Received or Collected for the Month ended September 30, 2015 (Emailed: October 6, 2015)

**INTEROFFICE MEMO FROM FINANCE DIRECTOR DATED OCTOBER 6, 2015 PROVIDED TO THE MEMBERS RE: PROJECTED 2015 BALANCES** (Emailed: October 8, 2015)

**INTEROFFICE MEMO FROM FINANCE DIRECTOR DATED OCTOBER 7, 2015 PROVIDED TO THE MEMBERS RE: AUDITOR OF STATE AWARD** (Email: October 8, 2015)

## **NOTIFICATIONS**

Finance Committee Meeting of October 5, 2015 (Emailed: September 25, 2015)

Rules and Legislation Committee Meeting of October 5, 2015 (Emailed: September 25, 2015)

Planning & Zoning Commission and Architectural Board of Review Meeting of October 1, 2015 (Emailed: September 29, 2015)

APA Cleveland 27<sup>th</sup> Annual Planning and Zoning Workshop scheduled for November 13, 2015 (Emailed: October 6, 2015)

Recreation Commission Meeting of October 7, 2015 (Emailed: October 5, 2015)

**CANCELLATION** of the Special Meeting of the Service Committee scheduled for October 5, 2015 (Emailed: September 28, 2015)

## **MINUTES**

Board of Building and Zoning Appeals Meeting of August 11, 2015 have been posted on the City's Website as of September 24, 2015 (Emailed: September 24, 2015)

Rules and Legislation Committee Meeting of September 21, 2015 (Emailed: October 6, 2015)

Service Committee Meeting of July 27, 2015 (Emailed: October 6, 2015)

Service Committee Meeting of August 31, 2015 (Emailed: October 6, 2015)

Service Committee Meeting of September 14, 2015 (Emailed: October 6, 2015)

**RULES AND LEGISLATION COMMITTEE MEETING MINUTES OF OCTOBER 5, 2015** (Emailed: October 8, 2015)

**FINANCE COMMITTEE MEETING MINUTES OF JULY 20, 2015 AND OCTOBER 5, 2015** (Emailed: October 8, 2015)

## **ON FILE**

Willoughby Hills Senior Center Newsletter for October 2015, Issue No. 90

## **MAYOR'S REPORT – Robert M. Weger**

**State Audit** – Last Meeting I reported on the Excellent State Audit. The day after the meeting, we received a letter from State Auditor David Yost indicating that we received the State Auditor's Award of Excellence.

**Road Salt Settlement** was received – City of Willoughby Hills received \$14,763.14. Thanks to Mark Grubiss and Frank Brichacek for their work in paperwork completion to receive this settlement.

**Dunkin Donut** is officially opened. Ribbon cutting was last Saturday. We are continuing to work on the entrance and exit ways to ensure safety.

**Airport** – NAC Meeting today – Recap on Website.

### **Acknowledgements:**

Congratulations to Lt. Steve Lucic on 25 years of Service with WHFD

Congratulations to Classic Lexus, Cleveland Clinic's WH Family Health Center and the City of WH on a great 5K run last Sunday. Special thanks to Lisa Fazio for her support and assistance.

### **Events:**

**Saturday, October 10<sup>th</sup> – 9-3pm – WH Fall Craft Show**

**Tuesday, October 20<sup>th</sup> at Noon – WH Senior Lunch at WH Community Center**

## **LAW DIRECTOR'S REPORT – Law Director Thomas G. Lobe**

No formal report was given.

**President Somich:** Mr. Brichacek, again on behalf of Council and the Finance Committee of Council that I Chair, we appreciate very much the work that you have done and your Department has done and that the City has done to give us these accolades thank you very much.

## **FINANCE DIRECTOR'S REPORT – Frank J. Brichacek, Jr.**

The Mayor stole my thunder a little bit on the Salt Settlement. We did receive the seventh highest amount in Lake County. Lake County received approximately \$225,000 of the 11.5 million dollars that was received Statewide. The timing of it couldn't have been better considering that the price of rock salt this year is at an all time high. So that was very helpful to the budget and then also, as was mentioned earlier, I provided the Members who didn't attend the Finance Committee Meeting copies of the projections. I was very encouraged the fact that while we budgeted to spend about \$560,000 more than we were bringing in revenue, which would reduce our carryover Fund Balance. Right now, I'm projecting that our General Fund Carryover Fund Balance is actually going to remain essentially unchanged. I am projecting that we'll actually receive approximately \$10,000 more in revenue than we'll spend this year. Word of caution, it is a projection, at this point, I'm optimistic it's a good recovery.

**President Somich:** Thank you very much and that was discussed at length at the Finance Committee and we will have a Finance Committee Report, later that breaks that down in more detail.

## **CITY ENGINEER'S REPORT – Pietro A. DiFranco, P.E.**

No formal report was given; the Engineer's Status Reports can be found on the City's Website.

## **COMMITTEE REPORTS**

**The following Reports have been listed alphabetically by Committee.**

### **FINANCE – Raymond C. Somich, Chair**

#### **Committee Members:**

**Christopher L. Biro, Nancy E. Fellows**

### **COMMITTEE MEETING OF JULY 20, 2015**

**Members Present:** President Raymond C. Somich, Chair, Vice President Nancy E. Fellows, Councilman Christopher L. Biro

**Also Present:** Councilman David M. Fiebig, Councilman Christopher Hallum, Councilwoman Jennifer Sommers Greer, Finance Director Frank Brichacek, Road Superintendent Mark Grubiss, Mayor Robert M. Weger

Purpose of the Meeting was to discuss **City Finances** and any other business.

**Meeting convened at 6:02pm**

#### ***Order of Business***

#### **RE: City Finances**

Finance Director Brichacek provided a Mid-Year Budget update as of 6/30/15. We are coming in under budget: Mayors Court revenue up 11%, Health Care cost increase was 8% and budgeted 20%, if we do not fill the Economic Development position, project \$37,000 savings, income tax close to budget. We will go out for insurance renewal so have some concerns, and also watching the cost of rock salt, but have been notified that we may be able to apply for reimbursement for overcharging last year on rock salt.

Frank gave us an update on excess equipment that has been authorized for sale as of July 17<sup>th</sup>, 2015. We are hopeful to raise some considerable funds to help our Budget further.

We discussed the acquisition of a new snow plow truck and salt spreader. Mark Grubiss participated also. We reviewed our prior decision to buy a better quality vehicle for longer life, less maintenance, and better resale value. Only one spreader bid was received, from a local company known for good service, includes delivery. Projected 90 day buildout so we must process quickly to have before snow.

Proposed SCMR Special Revenue Fund No. 250 appropriation revision to finance 3 badly needed catch basin replacement and stormwater management projects (total \$22,300). Mark Grubiss and Frank Brichacek explained:

Curtis Wright Parkway Catch Basin Replacement - \$8,800, we have applied for last 2 years for funding assistance, but keep getting denied, and we must do this.

Timberline Drive Crossover Drainage Pipe Replacement - \$5,400 fully funded by LCSMD grant  
Pine Valley Outfall Dredging - \$8,100 fully funded by LCSMD grant  
Mark Grubiss then gave us some preliminary information on some other city projects that we submitted to LCSMD with hopes of obtaining more funding assistance. We discussed Pine Valley, where some construction issues have caused problems that need remedied. We also discussed various culverts that need repaired/replaced, such as on Lamplight Lane. No Council action is needed at this time; this information was provided as a courtesy for informational purposes.  
Economic Development - Jennifer Greer asked if Council would be open to a presentation from a group specializing in this for cities. All agreed that it would not hurt to listen so she will schedule it.

***Public Portion***

**Opened 7:21pm** No one came forward. **Closed 7:21pm**

**Meeting adjourned at 7:22pm**

**COMMITTEE MEETING OF OCTOBER 5, 2015**

**Members Present:** President Raymond C. Somich, Chair, Vice President Nancy E. Fellows, Councilman Christopher L. Biro

**Also Present:** Finance Director Frank Brichacek, Mayor Robert M. Weger

Purpose of the Meeting was to discuss **City Finances** and any other business.

**Meeting convened at 6:10pm**

***Order of Business***

**RE: City Finances**

Finance Director Brichacek provided projections for our Annual Budget, based on the first 9 months of actual data, and best estimates for the last 3 months. As he explained when originally presenting the 2015 Budget, these were worst-case estimates, assuming lowest income and highest expenses. The Administration and City Employees have worked hard to improve the numbers and he projects that we will have an excess of revenues over obligations of \$9,341, so our carryover balance will increase to \$1,187,957, the highest carryover in many years. Notable areas of increased revenue are Mayor's Court revenue up 13.5%, Internet Gambling of \$49k, \$43k Workers Compensation refund, and \$15k Rock Salt Settlement. On the expense side, Health Care costs increased only 8% instead for \$21k savings, Salaries with Benefits decreased \$130k, much of that by not filling the Economic Development Position, as well as not filling some Part-Time Police Positions, Garbage Contract saved us \$28k, State Audit was \$10k under projected cost. Income Taxes are coming in a little lower than projected, about \$28k.

When further discussing not filling all the Part Time Safety Positions, it was discussed that the entire amounts of the Safety Forces Levies are being used for facilities, equipment and staffing, plus an additional \$3.9 million is projected to be spent for Safety Forces from our General Funds. The total City Expense for Safety Forces is \$5.5 million, by far the largest portion of the Budget. However, new rules from Obamacare legislation will require the City to look carefully at our mix of part time and full time employees in the future. Mayor Weger reminded us that due to shift scheduling 24/7, hiring more full time personnel must come in multiples of 4 people.

Frank mentioned the Rock Salt Settlement was one of the highest amounts received by any City in Lake County, and we thanked him for his diligence in getting our claims in.

Union Contracts are in place through 2016, so they will be renegotiated next year for the next 3 years.

No final decision has been made whether non-union employees will receive any wage increase for 2015.

The Chair expressed appreciation to Frank for preparing these projections, and to Frank and the Mayor for the excellent state of the City finances.

***Public Portion***

**Open 7:08pm.** Cheryl asked if reports discussed will be distributed to Council Members not in attendance, which has been done. Linda asked for clarification on comments made about 2015 staff raises. **Closed 7:10pm.**

**Meeting adjourned at 7:10pm**

**RULES & LEGISLATION – Nancy E. Fellows, Chair**

**Committee Members:** David M. Fiebig, Raymond C. Somich

**COMMITTEE MEETING OF SEPTEMBER 21, 2015**

**Members Present:** Vice President Nancy E. Fellows, Chair, President Raymond C. Somich

**Also Present:** Councilman Christopher L. Biro, Councilwoman Jennifer Sommers Greer, Councilman Christopher Hallum Finance Director Frank Brichacek, and Mayor Robert Weger



Purpose of the Meeting was to discuss **Pending Legislation** and any other business.

**Meeting convened at 6:46pm**

*Order of Business*

**Legislation for the Council meeting the evening of October 8, 2015:**

The amount provided in the 2015 Budget for Liability Insurance is \$95,000 80% from the General Fund (80%) - \$76,000 and (20%) from the Sewer Fund - \$19,000

HCC Public Risk Ohio (U.S. Specialty Insurance Company), obtained through Custis Insurance Service, Inc., 4254 Lake Road, Sheffield Lake, Ohio 44054, submitted a quote in the amount of \$103,936.00 (difference of \$8,936.00) and USI Midwest submitted a proposal the "Property and Casualty Insurance Program for the City of Willoughby Hills" in the amount of \$75,068 (\$72,151 Pool Insurance and \$2,197 Crime Insurance). To date the difference between the two companies is \$28,868. If the insurance company selected is over the amount of funds budgeted (\$9,000), the excess may be taken from funds aligned with the Economic Developer position.

**Ordinance 2015-38** – An Ordinance authorizing and directing the Mayor to enter into a contract for General Liability Insurance. HCC Public Risk Ohio obtained through Custis Insurance Service not to exceed \$103,936.00.

**There is no recommendation from the Rules and Legislation Committee; 3<sup>rd</sup> Reading.**

**Ordinance 2015-39** - An Ordinance authorizing and directing the Mayor to enter into a contract for General Liability Insurance. USI Midwest for \$75,068, pool strategy.

**There is no recommendation from the Rules and Legislation Committee; 3<sup>rd</sup> Reading.**

Council President Somich indicated that after further review he believes that selecting USI Midwest for our Liability Insurance will save the city money and will allow us to have legal representation.

**Ordinance 2015-40** – This Ordinance is in reference to H.B. 5 legislation aimed at creating uniformity in the collection and administration of municipal income taxes in Ohio. While legislation requires municipalities to adopt this new statute, the existing tax Ordinance will stay in place for 6 years for reference if needed. Among the ways the bill creates uniformity between cities is by mandating the format and deadlines for tax filing. This is required before the January 1, 2016 deadline to comply with the provisions and limitations specified in Chapter 718 of the ORC; need for passage at a November 2015 Council meeting at the latest. All RITA recommendations have been incorporated into the Ordinance.

**Rules and Legislation Committee recommended this be on 1<sup>st</sup> Reading.**

**Ordinance 2015-41** – An Ordinance authorizing and directing the Mayor to enter into a cooperative agreement between the City of Willoughby Hills and the City of Kirtland to submit an application to the Ohio Public Works Commission for the Worrell Road resurfacing project. This is for the grant. "Per The Lake County Engineer the Worrell Rd grant application is due on Oct. 30. They need the official legislation & agreement with Kirtland by then." ~Pete. **Rules and Legislation recommended that the 3 Reading Rule be waved and the Ordinance Adopted.**

**Ordinance 2015-42** – An Ordinance authorizing and directing the Mayor to enter into an agreement between The Lake County Commissioners, the City of Willoughby, and the City of Willoughby Hills for the S.R.91 resurfacing project. Per County Engineer Jim Gills, must be bid January 15<sup>th</sup>, and monies allocated by May 2016, or the grant will be lost. Incidentally, once this agreement is signed by all parties, \$98,452.00 most likely from funds 250 (Street Maintenance) and 270 (Road Levy) will need to be deposited with the Lake County Treasurer.

**Rules and Legislation recommended that the 3 Reading Rule be waved and the Ordinance adopted.**

**The estimated cost of professional services is \$163,000.00 and shall be deposited with the Lake County Treasurer upon the signing of this Agreement as follows:**

- |    |                  |             |
|----|------------------|-------------|
| A. | Willoughby       | \$64,548.00 |
| B. | Willoughby Hills | \$98,452.00 |

**The estimated cost of construction, construction administration and observation shall be based on the Engineers final estimate. Willoughby and Willoughby Hills shall deposit with the Lake County Treasurer prior to the County advertising the project for construction, their share of the estimated construction cost.**

**Resolution 2015-9** – A Resolution authorizing and directing the Mayor to file an application with the Ohio Public Works

Commission for funds necessary for the Worrell Road resurfacing project. **Rules and Legislation recommended the 3 Reading Rule be Waived and the Ordinance Adopted.**

**Additional Business:** President Somich brought to our attention a request from the Postgraduates of Telshe Rabbinical College to display boundary markers to comply with their Sabbath. **This request will be shared with the Building Inspector.**

***Public Portion***

**Public portion opened at 7:31 p.m.** Frank Cihula shared information from our liability insurance carriers from the past concerning legal settlements. Concerning the boundary marker request – possibly these could be posted in Wickliffe. Linda Fulton inquired as to what property was being referred to for the markers, this is in reference to the Osborne property off of Miller Road that belongs to the City now.

**Public portion closed at 7: 34 p.m.**

**Meeting adjourned at 7:34pm**

**Councilman Biro:** The recommendation on 42 was that to waive and adopt also? **Councilwoman Fellows:** Yes.

**GUEST SPEAKER**

**President Somich:** At this time, before we have other Council Representative Reports this is the time that we normally do hear from Councilman Plecnik or from relative to the Noise Abatement Council or from other Members of Council who are part of ancillary Committees of Council and are other various wards and responsibilities so because there has been extended discussion about the noise abatement especially relative to single engine planes I have asked our former Council President Dave Reichelt if he would be willing to come to the meeting here this evening since he is in town and I asked him if he would address this issue so that we would have a better understanding of what happened when he served as the Chairman of the Noise Abatement Council which he did for an extended period of time when he was also Council President. I believe even when he was a Councilman and then as Council President he served in that capacity. So I knew and unfortunately Councilwoman Sommers Greer isn't here but I knew that there were a few other Members of Council that were not present during that time and I thought that it could be used to enlighten all of us a little bit on some of the history of that Abatement Council. So, if at this time former Council President Reichelt would come up.....

Hello Dave, thank you very much for coming tonight. Dave, the main area that I wanted to address was the single engine planes because we have had a guest here that had told us that this was something that actually had been going on for a long time and there was a formality that was brought up kind of putting that officially into the paperwork but that they have always had the ability to do that even if it wasn't approved by the Abatement Council and that it has been done that way and it will continue to be done that way. We've expressed concern here on Council, especially some Members here on Council have expressed great concern about this; there has been a discussion in the community about this, a Town Meeting was held...wanted to get your feedback and your history in terms of the fact that you told me that actually had been discussed several times over the years.

**Former Council President David Reichelt:** Right, right and in addition to that I would like to address a couple of other points on the same topic. But in regards to your particular question the issue of single engine inclusion into that program was discussed probably, I'd say two years before I had left that Council. And it was presented to us as perhaps an enhancement to safety and to noise abatement. But unfortunately it is perceived as just the opposite, as a negative. Scott Huth...the Tower, Senior Controller there and he is also the Manager of the Tower, he would probably be very anxious and willing to explain why that would be, in his mind, a better program and a more fair way to disseminate air traffic that departs from the airport, but I won't go into all those technical details. But bottom-line was that he presented this as something that he has the authority to do and we, meaning the representatives from Richmond Heights, Willoughby Hills and Highland Heights, all three of us were solidly opposed to it at that point and time. And we said that we would like to have a vote and vote against it at this point. Now mind you we're only three votes so whoever is present there are some 15 other members which are all tenants at the Airport so obviously we wouldn't have won that vote. But I think that we could have probably made the point you know by standing firm on it, but he pointed out that he has the authority and this is granted to him by the FAA rules which of course govern the operations of the airport, he had the authority to do it anyway. And so I said at that point, why if you have the authority to do it, then why should we even bother voting on it, why should we

even...we've expressed our discontent with it and you know, take it under advisement, but that's where it stood. So after that he went ahead and implemented a test program during which he started to implement these changes and for up until very recently there was no problem, in fact things were actually quite quiet and it seemed like it was working just fine, so it was only when he asked to have this clarification added to the revised agreement and the purpose of the revision to the agreement is twofold: one, to adjust for the change in government form for Cuyahoga County and secondly, then to add this change. When he asked the Council to consider that I think that kind of refueled and opened that fire, so that's....it is kind of a long and complicated story and I apologize for that but it is something that, you know, he feels strongly about as beneficial. He has proven that it did actually work and I admire the fact that he tried that and he was able to do that but at the time we as opposed to it as I think John and some of the other folks are or were right now but to have him explain that would probably be very worthwhile for him to come in and explain exactly how that change takes place and what the benefits are.

**President Somich:** Okay, we appreciate you filling in the holes on some of the past history of that particular issue before you move on to whatever else you want to talk about with the airport, are there any questions from anybody about that issue, okay.

**Former Council President David Reichelt:** Okay, well at a previous Council Meeting I stood there in Public Portion and I said that...I thought that it was unreasonable to worry about airport expansion. And a subsequent party came up during Public Portion and said that for me to say that was irresponsible or something to that effect. Well, I want to clarify that, what I was referring to was airport expansion and I believe that the issue of airport expansion is under control, I don't think that we have anything to worry about in that regard. This expansion has been talked about and talked about and talked about and we really did win quite a decisive battle on this issue and the airport scaled back their plans considerably. But now we've all agreed upon it and everybody was happy with it and now all of a sudden airport expansion seems to be back in the headlines again. My point was that expansion has not been an issue of concern. Now that's not to diminish concerns of other folks, other issues of the airport by many of our residents. You know Mr. Weber is here tonight. Tall Tree Trail certainly has had a good amount of concerns about the airport rightful so, they're at the end of a runway. You know people who live next to 271 have concerns about noise and pollution. There are all sorts of issues that people are concerned about and the airport is a difficult neighbor to have there is no question about it. But I don't think that the expansion was necessarily a concern. And the reason that I say that is in John's Town Hall Meeting that he held there was mentioned of a lot of things and I referred to that in my past presentation. A lot of things were stated and not refuted and not clarified and not explained and unfortunately there was nobody there to do that but if you look at the actual statistics and the truth behind it and there was a mention by the way of a 900' expansion during that meeting. The expansion of the airport runway is 400' it moves slightly towards Richmond Heights and moves farther away from Willoughby Hills, so that's to our benefit. In reality the dimensions of the airport actually decrease. The runway is currently 5102'; in one direction it is actually going to result, after expansion, it is going to result in 50' less, 5,052'. So just because the piece of concrete is being expanded because of something called displaced threshold and stop way; the stop way that we currently have at the airport now, these are terms that refer to pieces of concrete that are not useable runway. The numbers actually, as I pointed out could be smaller for landing planes. They will have a longer take-off length; they will have a 5502' takeoff length which will be 400' longer. And with that there will be these EMAS areas that...EMAS is Emergency Arresting System that is basically like wet concrete and a lot of people don't understand but you can't even walk on this stuff so it's like mush and it is going to be out there just to stop planes that might not be able to stop in time, it's a very, very expensive and beneficial safety measure. And we were all in favor of that back when this was discussed and we're in favor of it at this point. Just because there is a longer piece of concrete there doesn't mean that there is going to be increased traffic or larger planes. There is still going to be the same limit that there is today as far as the size of the planes. In fact it was commented today at the Noise Abatement Council Meeting that limit is 99' x 99'; the plane can be less than a 100' long and less than a 100' wide and that's not going to be changing. Some of the other statements that were made in that meeting were quite disconcerting to me, one of which I mentioned this morning and John, I'm sorry to be repetitive but you know the example that I used this morning I wanted you to hear as well, during that meeting someone said you know they're dumping fuel...I think that the airport should be admonished for pilots that dump fuel. Well, in the response instead of correcting or clarifying or telling the truth or whatever, or however you want to put it, the response was well that's absolutely terrible and this needs to be addressed. Well they don't dump fuel. Dumping fuel is something that is reserved for military aircraft, large commercial, I mean airliners have that capability but is rarely, rarely used; but the planes that

come in and out of Cuyahoga County, I asked all the pilots that were there today, how many here have that capability, not a one raised their hand. Planes don't dump fuel and if there were...if there was fuel being dumped let's say by military or commercial airliner it would have to be, there are very strict rules about it, it has to be in a nonresidential area, it has to be at high altitude so that the fuel vaporizes or atomizes...it's just not something that is happening and yet it was said at that meeting and went uncontested. One of the comments was it was a shame that people's houses are being taken and John said that's very sad, eminent domain is a terrible thing. You know there are no houses being taken in this project. I don't know why anyone would think that. This book explains every alternative and alternative 23 was very clear about it; there's not going to be houses taken but again, nobody was there to lend that expertise. John said, you know, I think we can stop it, meaning the single engine exemption. People of Willoughby Hills and I know a lot of you on Council are aware of this, people have to realize that the airport is accountable to a government, there's no doubt about that, but it's not our government. We have no control over anything that they do at that airport. One of the comments made at the meeting was, well what about if we picket and John said, I like your style. Well, you know, picketing is not going to do it. And anything, quite frankly that we do here is not really going to make a difference, that airport is governed by FAA rules, Washington D.C. and the Federal Aviation Agency has long been in control of these rules and regulations since a congressional change was made back in the '80s. So for us to assert that we can even pass a Resolution and somehow effect the future of that program was just absurd. So I wanted to bring those issues up to you and clarify that I certainly stand open to any questions about this issue now and in the future, I am just a cell phone call away.

**President Somich:** Does anyone have any questions?

**Resident John Weber:** Not to take up a lot of time but in between the old Agreement and the new Agreement, I'm concern about the flight path. Was there anything that was done that might have changed the flight path with respect to altitude or how far they fly or when they turn....

**Former Council President Reichelt:** Well, I think the flight path concerns that you have are not so much related to the distance and the height.

**Resident John Weber:** That wasn't my question. Was anything done or was this just a reaffirmation of the old agreement?

**Former Council President Reichelt:** It was a reaffirmation of the old agreement. The old agreement, I think, I believe that your comment during the Public Portion that I was somehow hoodwinked into approving this, well there was no hoodwinking and there was no lack of knowledge about it...

**Resident John Weber:** You're stating that nothing changed between the old agreement and the new agreement other than updating...

**Former Council President Reichelt:** Right, there was some updating of modern language but not as far as the intent of the agreement, there wasn't anything that was substantial but I think that our purpose at that time was to kind of restore the Noise Abatement Council because it had become dormant and we found it to be pretty ineffective and it does actually serve a purpose; that it fields your complaints, it registers them and you know....

**Resident John Weber:** Okay, that's all I wanted to know...

**Former Council President Reichelt:** But I do want to comment on the flight path because I know that it is a big concern.

**President Somich:** We want to wrap it up here....

**Former Council President Reichelt:** Okay, the number one concern that folks on Tall Tree seem to have is about the flight path. Well we identified the reason for the flight path change and that was because and this is way more technical than we have time for but essentially the airport's runway was changed from 05 or 23 and depending on which direction your flying to 06 and 24 and all that means is that there is a one degree change. But that one degree

change is just enough to make the planes fly a little bit closer to Tall Tree than they use to. And it's a very annoying situation, I understand that. It's unfortunate that takes place but it is something that the FAA does every couple decades to adjust for changes in the earth's rotation. Unfortunately, it's come here to affect adversely some folks but that is how the airport operates.

**President Somich:** I did allow that because I know John you have been very vocal at many of the meetings rightfully so again with you and the other residents on Tall Tree Trail. I don't want this to get into dialogue here because we could talk about the airport all night long as we have on many, many other occasions.

**Councilman Reichelt we appreciate your input and feedback on that one and your history that you have given us. Are there any other Council Representative Reports?**

## **OTHER COUNCIL REPRESENTATIVE REPORTS**

**Councilman Plecnik:** I would like to report on behalf of the Noise Abatement Council, we had a meeting 10:00am this morning at the Cuyahoga County Airport, a few people in the crowd were there as well. And the first order of business was to go over the complaints for the quarter there was almost a 19% increase in the 3<sup>rd</sup> quarter from the 2<sup>nd</sup> quarter. There were a total of 151 complaints, 85 of which related to day time hours, 66 which related to the quiet time, the 11 to 7 am hours; of those 151 complaints a 144 of them were from the City of Willoughby Hills. The second item of business was to continue the discussion on the Joint Statement respecting the single engine plane exemption and I will say that we should be a little more optimistic about what we can do working with Cuyahoga County and the Airport because our Resolution 2015-5 which was passed without any objection without any descending votes on Council, I think was listened to given that there was a new draft of the exemption of the single engine planes which was considerably more conservative than the first. I personally oppose any exemption for single engine planes but as originally stated it was a full exemption from all the noise abatement procedures in the entire Joint Statement. The revised draft that we were provided with at the meeting only exempted single engine air planes from the noise abatement flight paths, the 1900' above sea level or two miles out rule, not say the quiet period or other noise abatement procedures. So I think that the Resolution that we passed on Council had a very positive effect on the debate and while the debate isn't over yet and we still have to consider the possibility of any exemption just moving the ball forward in that respect was pretty considerable and I think that given the fact that Willoughby Hills in the past prevented the major expansion that would have been 900' that is what we referred to at the Town Hall Meeting not the current expansion which is more along the lines of 400' was a really big achievement that came from our residents picketing if you will, going to meetings making their voices heard while we certainly don't have direct control over the airport we have an opportunity to make our concerns heard and I think that we have already had a positive impact on the proposed exemption for single engine planes. Now there was no vote taken on these exemptions at this meeting which is also a positive thing given that the prior meeting three months ago it was initially planned on being voted right then and there. So I think that we are going to have several months of discussion at least on this exemption and we'll have an opportunity to share our concerns and I think our rightful concerns. Now I also want to make a quick correction, Mr. Weber had asked Mr. Reichelt if there had been any changes between the original Joint Statement among the Airport, Highland Heights, Willoughby Hills and Richmond Heights and the current 2010 version where we reaffirmed it there actually was one major change it use to be that the flight path for noise abatement procedures was 1900' above sea level and two miles out but with the 2010 reaffirmation it was changed to or and actually the minutes of the Noise Abatement Council Meeting on October 27, 2009, 10:00am at the Airport reflect that Mr. Reichelt as Chairman was the one who moved to remove the word "and" and add the word "or" so he actually was instrumental in what was a pretty significant change to the Noise Abatement Procedures in 2010. I would just finish my report with two points, first the expansion as it is going forward we got a report from the secretary of the Noise Abatement Council and forgive me for mispronouncing his name, everyone mispronounces mine, so I am sensitive to it Dan DiGiammarino; he presented to us that funding for Phase I had been granted by the FAA and that ODOT was also contributing so it is going to be a roughly 7 million dollar expense, 90% of which is coming from the FAA, 5% of which is coming from the Ohio Department of Transportation (ODOT) with only the remaining 5% coming from Cuyahoga County. The first phase is planned to begin in late March or early April essentially whenever the ground thaws out and the plan is essentially to work on the earthwork and the drainage on the property. Work will stop and hopefully Phase I will be completed before the Republican National Convention because it's expected to be a lot of traffic in and out of the airport; residents should expect considerable more noise during that period. With Phase II beginning afterward kind of held up by the congressional budget process which would involve actually putting in the EMAS, paving the

runway, etc. so Phase I has already been approved and funded but Phase II is still in congressional limbo so we will have to wait and see whether that's approved and what amount. The last point that I would like to make is because my Town Hall Meeting has been brought up several times is that residents have come to me repeatedly asking for a Town Hall Meeting. There were some members of the Noise Abatement Council who were not as easy to get along with one of whom did visit our meeting so we've already, Mr. Reichelt, had a presentation by Mr. Scott Huth on why he thinks exempting single engine planes would be good; I think that he is looking at it from the perspective of an airport or a pilot and we really are looking at it from the perspective of residents and neighbors of Willoughby Hills and the noise impact on our community, so I don't find any surprise that we have different perspectives on whether it would be ultimately a good or a bad thing. But the point of the Town Hall wasn't for me to make a statement you'll notice that most of what Mr. Reichelt referred to was what residents were saying in question as to why no one corrected them; it's not the role of representatives to correct or censor dialogue it's the role of a representative to listen and that is what we tried to do at our Town Hall Meeting, to hear what the concerns were. And is every resident reasonable, of course not, but as representatives it is our job to hear them out, find out how we can help, what we can do and with respect to fuel dumping in particular at least a hundred residents in the past years have come to me and expressed that they think some sort of fuel or fuel product has been dumped on their property and obviously I am not a scientist, I'm not a pilot, I don't know what the residue or smell on their property is but I personally witnessed it and seen it for myself, I haven't medically tested it, there is certainly something there and we need to work with our residents to help deal with those issues whatever it is; maybe in some cases it's totally unrelated to the airport but we need to, in your own words, attempt to correct those misconceptions, if misconceptions they are and help our residents to move forward but we should never belittle their concerns just because they're not a scientist or a pilot and they may not understand precisely why they're experiencing additional noise or smell or problems but instead we need to step and help. And talking with one of the other members of the Noise Abatement Council it sounds as though some of the companies are familiar with labs that often do fuel testing and I am working on trying to get some contact information that we can share with residents if they feel that they have any fuel residue on their property where they can have it tested and find out for themselves why are experiencing these problems. Maybe it has nothing to do with the airport but instead of criticizing them for jumping to that conclusion lets up them find the right answer. So I think that our Town Hall has really has been incredibly positive for the City, entirely nonpolitical and really the voice of our residents and the first result of it was to have a Resolution from Willoughby Hills City Council against this exemption of single engine planes which has already caused the Noise Abatement Council to amend their proposal so that it doesn't fully exempt single engine planes but only exempts them from the flight path. So we've moved the ball forward and I think we have a lot to optimistic and thankful for from the hard work of this Council and mostly from the hard work and dedication of our residents.

**Councilman Hallum:** How many of the complaints for last month were from Willoughby Hills?

**Councilman Plecnik:** Well for the last three months, 144 of a 151.

**Councilman Hallum:** And how many different residents were those complaints comprised of?

**Councilman Plecnik:** You know I would have to be honest, I haven't had a chance to go through all 151 and tally which come from which resident, but we did have a map given to us and I would be happy to show it to you after the meeting which shows roughly where most of the complaints came from. And I don't think that it is any surprise when you look at the map although it's a little faded in this copy that most of it is on the west end of Willoughby Hills, we're thinking Tall Tree, Canterbury, Willow, Istria, Chardon Road in some locations but it's not surprising where the complaints are from they're areas of Willoughby Hills closest to and most effective by the airport.

**Councilman Hallum:** I was just curious if there is a particular resident experiencing or complaining more than the rest and that was my question, so....was there anybody else that was there that might know the answer to that? I heard that there were other people there too, Okay, I was just curious, thank you.

**Law Director Lobe:** Mr. Plecnik, can I comment on something...I think that I agree in part with Mr. Reichelt a lot and there are some things that Mr. Plecnik says that are correct. But I want everybody to understand

something; in 2009 we stopped airport expansion. We went and I met personally with the Cuyahoga County Prosecutor's Office and I threatened litigation if they did not change their plans. There was a plan that they were proceeding on and we met in buses and there were some people on this Council that went down there and that they were going to expand the airport runway to the extent that larger planes would in fact come in. I found a case on the Ohio Supreme Court, I utilized the Ohio Constitution and I threatened litigation and they immediately within thirty days, dropped their plans for the true airport expansion and went to this alternative which is primarily for safety. The one thing that everybody has to understand is that the capacity at the airport has been and continues to be, and please correct me if I'm wrong, somewhere in the neighborhood of about 35%; that's the problem. That airport has always been underutilized well no surprise so is Burke Lakefront underutilized, it's about 35%. So what they are doing is that they are trying to get more planes but this expansion cannot bring in bigger planes but they've always had the right to have more planes. And that is one of the problems that exist and it existed in the 60's, the 70's, the 80's, the 90's, 2000 and it exists today. But if anybody thinks that there is pure expansion, larger planes, the answer is no. Okay, I hope that puts a perspective not diminishing anything that Mr. Reichelt said, not diminishing anything that Mr. Plecnik says and it's the capacity issue and we have kept them within the footprint of where they were.

**Councilman Plecnik:** And Mr. President if I could just add in terms of capacity, we also received in the report essentially how many operations there were so far for the year and just to kind of follow through on that in 2013 there were 28,599 operations, last year there were 29,097, this year we're up to 22,454 but if you track how busy the quarters tend to be we're almost exactly the same as last year. So I think that we are going to see somewhere in the neighborhood 28 to 30,000 operations for the year which is actually under a third capacity for the Cuyahoga County Airport. And I certainly agree that we won the big war in terms of preventing major airport expansion but residents I think expect us all to remain vigilant, you never know what the future might hold and I noticed even on the Mayor's campaign literature, the second bullet point was to continue to protect us from airport expansion so I think that we need to join together and keep watching the situation, we're not in worst case scenario today but you never know when things could change.

**President Somich:** Thank you Mr. Plecnik. One final point because I was also heavily involved, when you hear about those number of operations a very considerable number of those operations are simply take offs and landing of training programs there, pilots being trained on flying. So a very considerable number, I don't want to guess what it is but I know that it was a very considerable number in terms of...they count each one of those operations, anytime it is a takeoff or a landing, it's an operation even if it is a pilot that does it continuously for a 15 minute period just to practice doing it, if you will. Each one of those is considered an operation.

**Councilman Biro:** Just one more quick note, once again, not a true expansion. One of the things this EMAS is for safety, that's the biggest issue. And anytime that we can promote safety in that venue that's phenomenal. We not only stop that expansion but only the expansion that they are doing is for safety. Those runways they cannot go into that area and if they do, the plane just sinks right into that concrete so, I support that.

## **PUBLIC PORTION**

Section 107.08 – Public Meetings of Municipal Bodies of the Codified Ordinances of the City of Willoughby Hills: (a) All meetings of any municipal body are declared to be public meetings open to the public at all times. All meetings shall provide a reasonable opportunity to hear public opinion.

### **Public Portion was opened at 8:18pm.**

1. Jenna Bing  
36951 Beech Hills Drive

Re: I wanted to publicly thank the Mayor and our Clerk of Council for being so responsive, last time I was here I asked about how come it was so many weeks, months before that we didn't have minutes. And that was on a Thursday night and on Friday night I was hand delivered copies that were unapproved but representative of what was going to be approved tonight and I appreciate the responsiveness of both the Mayor and the Clerk and hope that we just keep them going now so that we're caught up. Thank you.



2 John Weber

Tall Tree Trail

Re: Can I approach with some literature, I'll try to be as brief as I can...this is the old agreement and the new agreement of the airport...those are three separate sheets you have there; one is the old agreement to the airport and one is the new agreement. If you look at Item 4 which is the one that I'm concerned about, you can clearly see that the one that I have the green one is the reaffirmation of the Joint Statement highlighted on the second page, it is a draft of the old one and if you go to Item 4 it clearly says that planes are required...requests the Air Traffic Control Tower to advise all aircraft to climb out to minimum altitude of 1900 MSL and two miles before making any turns. The new agreement, and Tom you can help me, you're a trained professional there, this is the new agreement, if you go to Item 4, it is clearly different by quite a bit, and Tom you can help me, there it is, the wording is totally different. The new agreement says request that the Air Traffic control Tower advise all aircraft to climb out to minimum altitude of 1900 or a minimum instead of and a minimum. There is a huge difference, Dave that's why I specifically asked him the question was there a difference or not and you can see in the third sheet that Dave was the Chair at the time. Planes making a turn at 1900' rather than flying two miles go right over our homes; it took me a while to dig this up but I found it. So instead of flying 1900' and two miles now they are only flying two miles and turning. So it has been a big issue with me and I had to do a lot of digging to find it and I hope that you will read and digest it and find out that maybe we were a little hoodwinked and you can ask questions as to why he did that. I do want to reiterate that I do think that we did stop expansion and it was a good thing. I think that noise is a big issue and I think that it should be a political issue and I think that there are things that we can do such as with the Jet Center, they don't need all those jets in there and we can put pressure on the airport in that way.

3. Fred Dugach

2895 Camelot Court

Re: I live right at the end of the Court and I really appreciate all of the fine work that you folks have done for not only for the abatement but also for running the City. The issue about the touch and go as you pointed out they seem to be changing the flight paths straight up and down the street and in fact because I'm at the end of the cul-de-sac the back portion of my property it typically where everybody lands. I don't have a problem too much with that where I do have a problem is when they are doing the touch and goes and taking the short route straight down our street and then doing the bank, and in fact on the way here tonight someone was doing exactly that and that's why I have a problem. When I do make a request or report I have no way to certify or to understand that my complaint has been registered, I don't know how to make that happen. But when I do file a complaint I don't see that it is on any register anywhere and I do make the calls. The other issue about the dumping of the fuel, I am not sure that I understand how that can happen with a single engine plane but I think that I can understand it can happen with a jet, I don't know that with any facts, or where it's happening but that's my comment. So I appreciate your feedback and also your help on this.

4. Cheryl Ota

2960 Marcum Boulevard

Re: I was invited by the 3<sup>rd</sup> Annual Report from Willoughby Hills to go to the Finance Department for some information on the web, so I did that and I found a listing of Purchase Order Requisitions. It's Purchase Order Register. So I have a question concerning the Mayor's P.O. as shown on the 2015 Purchase Order Registers. There are purchases made out of the 110 Account, General Fund starting in January and going to the last list in August. There are Art Gallery Purchases of paintings I have January 27<sup>th</sup>, \$320; May 18<sup>th</sup>, \$240; June 5<sup>th</sup>, \$120; July 6<sup>th</sup>, \$120; and August 31<sup>st</sup>, \$640. I would like to know where these are displayed so that I and the other residents of Willoughby Hills can look at them. If you could please let me know I would appreciate it.

5. Linda Fulton

2990 Marcum Boulevard

Re: I don't know if it was the last Council Meeting or the one before, I had mentioned about the School Zone Signs and I have yet, unless it was done today because I didn't check; I'm still seeing, in my opinion, the signs are placed incorrectly and there is one sign that is saying "End of School Zone", yet you have another 15, 25, 30' more to go before the School Zone ends, that's going east. I'm just questioning even the sign



where it says School Zone going east, its inside where you have School written on the pavement and yet you have a sign going in further going east saying School Zone. I think you know, somebody needs to look at that because it's, you know, that sign is stating what the hours are for the School Zone that's not a good thing. So I would like to have that followed up on.

6. Gloria Majeski  
2717 Graylock

Re: I have received numerous calls regarding the Charter Ballot Issues. It seems residents are confused by the mailing starting to read it and getting confused by the time they get to page 2. I have encouraged them to continue to page 8 or 9 where the red italicized highlights the changes. I have also prepared a three page summary of the ballot issues for easier reading following a written inquiry by a resident who wanted things in layman's terms. This document will be made available to anyone who requests it. What I have a concern about however, is that some Council Members and candidates running for office are promoting a no vote that will ensure a zero tolerance policy on nepotism. In fact I tried to reach the candidate in my district Alana Mastrangelo to try to understand how she was going to accomplish that but she never returned my emails. But I wanted to point it out tonight to you people that if the ballot issues fail by residents voting no then we will revert to our current Charter. So you can see by the example the current Charter of 9.22 as it relates to nepotism it says that no member of the immediate family of any officer of the municipality may be employed by the municipality in any non-civil service employment. There is no such thing as non-civil service as it relates to Willoughby Hills employees. All employees are civil service, either classified or unclassified as defined by Section 9.4 of our Charter. I think that it is deceitful and wrong for Council Members who should be guiding representatives to misrepresent the words of the Charter Commission and would ask them to stop promoting for a zero tolerance nepotism policy by voting no on the Ballot Issues. If the issue fails City Hall will continue to have the right to hire family members without any restrictions such as the State requires and it would be doing so totally in compliance with our current Charter. The Charter Review Commission made up of nine intelligent residents and representatives of our community spent two years creating ballot issues that have been well thought out and fair and good but for the City of Willoughby Hills. Voting yes will create a nepotism policy and conflict of interest policy that is identical to the State Statute while it may allow for a family member to be employed there are certain restrictions that we are prepared to follow to make it legal and ethical. Voting yes on many of the other Charter Ballot Issues will allow enough time for the military service personal and absentee ballot voters to receive the information and ballots they need to vote responsibly. I welcome any voters to continue to call City Hall if they are confused or need assistance.

**President Somich: I appreciate your....no comments from the audience, I have not been as efficient this evening in doing the timing, I think you heard earlier it went off halfway through a speech and again it did that because I didn't reset it. We have had a number of people coming up so I extended that one hour, one minute because I didn't restart that at the beginning.**

7. David A. Reichelt  
300 Pebble Brook Drive

Re: Just, not to belabor the point, but John your response is eloquent and I appreciate it, I think that we're both in agreement that we should be vigilant and we should be interested in the airport expansion and airport issues and I don't mean to belittle anybody's concern, I've never felt that way. However, for example the and or issue there are many reasons why that is a good thing but I'm not going to go into those at this point. What I'm really here to talk about is at the last meeting Mr. Fiebig made a comment about the fact that the budgeting, the line item budgeting that implemented by former Council was a problem for the auditors and I just couldn't believe that I actually heard that, I hope that the people of the City don't fail to remember what we were under doing those years. In three minutes, I can't possibly describe it, the situation, but having lived through it I can attest to the disastrous state in which the City found itself. In fact in 2008 and 2010 the State Auditor wrote that the City could not provide basic information like cash register or cash receipts, expense ledgers, check registers. The City literally had no idea how it had or where it was. Consequently the issue...the State issued repeated letters claiming that the City was un-auditable. I remember some Council Members going to Columbus to discuss the finances of the City with representatives of the Auditor's Office and hearing how the City would fall into receivership if this didn't turn around. Fortunately Mr. Brichacek who is a former auditor working for the State of Ohio has refuted Mr. Fiebig's assertion that line item

budgeting complicated the issue, in reality it was one of the several steps that Council took that turned things around. In fact Council was so desperate to right the ship, that in addition to implementing it, we slashed spending authority of Mayor Lorenz from \$25,000 to \$1,000; things were an absolute mess. He had a Finance Director that failed to produce results for months, many months and he fired one of the most well-known Law Directors and replaced him with one that owed tax liens in the tens of thousands of dollars to various governments and of course there was Beth, she was the stripper that he had met at a Gentlemen's Club one night and turned into one of the City's head custodians and that probably cost the City quite a bit of money. We were the laughing stock of the County, if not the State. Thanks to Mrs. Fellows, I appreciate that we all received these beautiful colored **reindiscions** of a political cartoon that adorned the pages of the Plain Dealer showing a caricature of someone looking a lot like Mr. Lorenz chasing a female janitor named Beth. No Mr. Fiebig, Bob Weger's idea to clamp down on that Administration was probably what saved the City from default not what caused it to repeatedly fail audits. When we learned how bad things really were, I remember Councilman Malecek commenting that financially the City had nowhere to go but up and we should strive to improve the City's books to the level of achieving the auditor's award, the one that we just did. And at that time I remember thinking that was just an insurmountable goal; I just was surprised that we've actually been able to do that in just a short amount of time. In 2008, Mayor came in and hired a new Finance Director, re-hired our Law Director, guided us through the financial jungle restoration and the City's carryover, when he took office was only \$19,000. In subsequent years, while our neighboring cities arguable some of the wealthiest in Lake County...I'll ask your indulgence because this is a very important....

**President Somich:** Please wrap it up Mr. Reichelt...

**Mr. Reichelt:** Today our carryover is just short of 1.2 million dollars, I wish that I could find a stock broker that had that kind of a record. He has a keen sense of municipal finance, better than many Finance Directors I've known and I've known plenty of them in my career.

**President Somich:** Please wrap it up Mr. Reichelt....

**Mr. Reichelt:** I know...I really need to cover this point...

**President Somich:** I can't allow that Mr. Reichelt....please final comments, please.

**Mr. Reichelt:** All right, well, you know a few years ago, as we all know, Mayor Weger had a stroke and this happened when I was on vacation. I was Council President, I was contemplating on returning to assume the position of Inter-Mayor but fortunately Bob fought through that issue and Bob, I'm sorry if I am embarrassing you, but I think that it is very important to note that he may have come out of that with speaking difficulties but he didn't come out with any vision difficulties or finance understanding difficulties, he is a 100%. He is as sharp as he was then and I much appreciate his work....

**President Somich:** Thank you very much Mr. Reichelt...

**Public Portion was closed at 8:37pm.**

## **UNFINISHED BUSINESS**

**City Engineer Di Franco:** I can respond to the School Zone Signage. I reviewed the signage and pavement marking locations and they comply with the State Code. The State Traffic Code allows for signs and pavement markings to be placed within a range because there are several constraints like drive aprons, mailboxes, the bridge is right there, so a particular sign doesn't have to exactly where the pavement marking is, so I did review that and it does comply.

**Councilman Plecnik:** I think that I can answer two questions from Public Portion if first I can ask a quick question of Mr. Dugach, just yes or no. Mr. Dugach, did you file any noise complaints in the past quarter, in the last three months? **Mr. Dugach:** No.

**Councilman Plecnik:** Well, if you do file a noise complaints they should appear with your name in the report that is ultimately posted in the minutes. Now one thing that I could recommend, if you are finding that your complaints aren't being recorded and I've had this problem with a few other residents, is if you could report them by email and copy me on my Council Email, that way if I don't see that they appear on the ultimate report I can bring that to the Noise Abatement Council's attention so that would be a way to address the concern that they are not being properly logged. **Mr. Dugach:** Along with pictures?

**Councilman Plecnik:** I can share some pictures too but that won't get into the official log.

**Councilman Plecnik:** The second question that I think was raised was whether or not leaving our Charter as would allow us to operate below State Law; I just want to say for the record we have to follow State Law irrespective of what our Charter says, it sets the bare minimum and a Charter can go above under Home Rule but we can't go below, so saying in our Charter that we will follow Ohio Law is like saying we'll follow the Law of Gravity, we'll comply whether it is in the Charter or not because you cannot go beneath the State minimum standard.

**Finance Director Brichacek:** In response to the question about the art work, the City has made no purchases of art work; I believe that the Purchase Orders that are being referenced, the City has an arrangement with the artists who display their work at the Community Center where the art is sold by Community Center Staff and we receive the money and then I believe that the Purchase Orders in question are simply remitting the purchaser's purchase price to the artist minus a percentage that the City keeps. The City has purchased no art in the last year.

**President Somich:** I'll respond to the very first comment about the minutes just to let you know that Vicki immediately after the last meeting told me that they were all done, just not posted, just not approved yet by Council, but she had caught up including all those Special Council Meeting Minutes. Obviously that's kind of obvious to you because she had them the very next day; there is no way that she could have stayed up all night typing all of those and getting them done, so they were actually done and we regret the delay on it. But thank you for your comment appreciating getting them up. There were an awful lot of minutes that you saw in a very short period of time. Thank you.

## **LEGISLATION**

**President Somich:** This is a bit of an unusual situation with the first two ordinances that we will read; they have been left because this a very specific situation where we are looking at two vastly different approaches to our insurance and all of us have had many, many weeks to make our personal findings and to attend a number of meetings that we have had, we've heard from insurance carriers, we've heard from insurance experts, we've heard from our Administration, I'm sure that you have done your own due diligence so I just want to point out that we're going to consider both ordinances; Ordinances 38 and 39 tonight, they've both have been read three times. We will ask that you vote for one and only one of those two and whichever one does receive the necessary five votes for it to be approved declaring it an emergency will be able to immediately take effect. We do need the five votes because if you recall we are up against a deadline here in terms of not having any period of time without insurance. So we ask and hopefully you are prepared for this vote, but please do not vote for both of them or please don't, not vote for either of them, it is important that you do make a decision at this time. We'll of course have the opportunity for further discussion on each one as part of the process.

## **ORDINANCE NO. 2015-38 – THIRD READING**

**1<sup>st</sup> Reading:** September 10, 2015

**2<sup>nd</sup> Reading:** September 24, 2015

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**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT(S) FOR GENERAL LIABILITY INSURANCE COVERAGE FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.**

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**President Somich:** Okay so we do want to specify because from the caption you really can't tell which one this is. Members responded this is the traditional.

**President Somich:** So this is the traditional insurance that we have now extended into the new period of time with the traditional type of insurance and it is a three year term.

**MOTION WAS MADE BY COUNCILMAN FIEBIG,** seconded by Councilwoman Fellows to adopt Ordinance No. 2015-38.

**Councilman Plecnik:** I have some concern given that we need to pass this with the thirty day tag waived that if we take a vote and everyone just votes, then we might end up with just four votes which would be kind of a sloppy resolution. My concern is that it would pass, but it won't pass effective in thirty days. So I think that we shouldn't just take a vote because if we get four of six then we could end up with a bad situation so I think that we should have a discussion right now about which of the two we prefer and I have some concerns that the traditional issuance is so much more expensive then the pool insurance. So I would like to....given that there was no recommendation from Rules and Legislation have a little discussion now before we vote to get a sense of where we all are. So we don't end up with 4 of 6 voting for one of the bills.

**President Somich:** I appreciate your comments; I think that the best way to do this then, since we are in discussion if you want to relate your discussion to both ordinances then that will layout the plan. We did have another through discussion as we've had many, many, many times just at this last month's...earlier this week's Finance Committee Meeting and some opinions were expresses at that time so as part of this discussion process if anybody else would like to weigh on what you favor, now's the time to do that on either 38 or 39.

**Councilman Hallum:** I'm just wondering, questioning, if there is any way to Table the first one and seeing how that's voted on. You know if that passes as Tabling that would be a pretty good indication that's not the one...**Councilwoman Fellows:** We discussed that in Rules, Tabling vs. voting.

**President Somich:** And again, I think that it would work out either...

**Law Director Lobe:** Move it just to, not Table it, and just place it behind the next ordinance.

**Councilman Hallum:** Well, I just, I mean, and I don't know, well, I get what you say but what if 38 is the one that we want and I don't know if it is or isn't but it's just another option...

**President Somich:** I think that's why during discussion if anybody else would like to weigh in on that, I think that's probably the best way of doing that; if there is anybody else that would like to weight in terms of why you believe one chose is better than the other.

**Councilman Hallum:** I'm happy to speak, I mean, I was not in favor of the pool at the point that Mr. Beglin came in and spoke to us; however, I got a lot of good information from him and as a result of that and finding out that he was originally from the Dayton area which is where I originated from and I have a lot of very good close friends that are in government down there and are in pretty good positions down there and I contacted somebody that I respect, highly respect that has been a City Manager down there as well as is now highly involved in the Dayton area and bring businesses to that area. And he referred me to his brother who happens to be an insurance agent for municipalities and interesting enough, happens to be in Berea and said that his brother is very well versed in this type of insurance, in municipal insurance in general. So I did make a phone call to this gentleman and he has no dog in this fight because he is not going to get anything out of this one, one way or the other and after talking with him the two things that stuck in my mine, (1) he said Berea has had this, has had PEP, specifically he asked me what pool and I told him PEP he had nothing but good things to say about PEP; (2) he said that Berea has been with him going on about thirty years or more and has been very happy with the coverage, with the insurance through the PEP and his other comment was I wish more municipalities would utilize the pool and so that made me feel more comfortable with this. And I think with anything when you do something that is not the norm, its new, it makes you a little uneasy. So, I think that after that conversation and the fact that if we are talking about including, because I think that Mr. Beglin was talking about, here he had mentioned about including that our rates would not increase more than 7% that it is going to be included in this agreement the fact that we are going to be saving cost to \$90,000 over a three year period and the fact that it sounds like the coverage is going to do the job that we need it to do, I'm comfortable with that.

**President Somich:** Thank you, as a point of order, he did say that in the second year it would not raise more than 7%, he did not make any comment for the third year, just so you know.

**Councilman Biro:** I know that we've been talking about this and I was kind of anxious about the whole subject because I know that one of the contentious issue was whether or not we could utilize our own or we could utilize the counsel that we request; we were given assurances that was the case and I know that was one of the main points of the Law Director, we're not confined to a counsel and the fact that we are saving a significant about of money it does similar to what the other does, I see that we could support that.

**Councilman Plecnik:** I heard about the discussion at the Committee Meeting although I wasn't able to attend and I thought for many of the same reasons Councilman Hallum and Councilman Biro expressed and looking at this with an open mind that given the rather substantial difference in cost the pool insurance seems to be the more favorable alternative so where I sit right now, I'm certainly open to hearing concerns from other Council people; I'd be more in favor of the pool insurance under -39.

**Councilman Feibig:** Call for the question.

**President Somich:** We have a Call for the question.

**Roll Call: 6 NAYS – unanimous**

**MOTION PASSES**

**President Somich declared that the Motion to adopt Ordinance No. 2015-38 has failed.**

#### **ORDINANCE NO. 2015-39 – THIRD READING**

**1<sup>st</sup> Reading: September 10, 2015**

**2<sup>nd</sup> Reading: September 24, 2015**

---

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT(S) FOR GENERAL LIABILITY INSURANCE COVERAGE FOR THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILMAN FIEBIG, seconded by Councilman Biro to adopt Ordinance No. 2015-39.**

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that Ordinance No. 2015-39 has been adopted and will become immediately effective upon signing this evening.**

#### **ORDINANCE NO. 2015-40**

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**AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE NINE – TAXATION, BY THE ESTABLISHMENT OF A NEW CHAPTER 186 – INCOME TAX EFFECTIVE FOR TAX YEARS BEGINNING JANUARY 1, 2016 OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS.**

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**President Somich declared that Ordinance No. 2015-40 would remain on First Reading.**

#### **ORDINANCE NO. 2015-41**

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**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A COOPERATIVE AGREEMENT BETWEEN THE CITY OF WILLOUGHBY HILLS AND THE CITY OF KIRTLAND TO SUBMIT AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION FOR THE WORRELL ROAD RESURFACING PROJECT AND DECLARING AN EMERGENCY.**

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**MOTION WAS MADE BY COUNCILWOMAN FELLOWS, seconded by Councilman Hallum to suspend the Three Reading Rule for Ordinance No. 2015-41.**

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that the Three Reading Rule for Ordinance No. 2015-41 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN PLECNIK**, seconded by Councilman Hallum to adopt Ordinance No. 2015-41.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that Ordinance No. 2015-41 has been adopted.**

#### **ORDINANCE NO. 2015-42**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE LAKE COUNTY COMMISSIONERS, THE CITY OF WILLOUGHBY, AND THE CITY OF WILLOUGHBY HILLS FOR THE S.R. 91 RESURFACING PROJECT AND DECLARING AN EMERGENCY.**

**MOTION WAS MADE BY COUNCILMAN HALLUM**, seconded by Councilman Biro to suspend the Three Reading Rule for Ordinance No. 2015-42.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that the Three Reading Rule for Ordinance No. 2015-42 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN BIRO**, seconded by Councilman Hallum to adopt Ordinance No. 2015-42.

**Councilwoman Fellows:** Wanted say how much I appreciated that Jim Gills came this evening and shared information about the project and answered any questions or concerns that we had.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that Ordinance No. 2015-42 has been adopted.**

#### **RESOLUTION NO. 2015-9**

**A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO FILE AN APPLICATION WITH THE OHIO PUBLIC WORKS COMMISSION FOR FUNDS NECESSARY FOR THE WORRELL ROAD RESURFACING PROJECT AND DECLARING AN EMERGENCY**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilwoman Fellows to suspend the Three Reading Rule for Resolution No. 2015-9.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that the Three Reading Rule for Resolution No. 2015-9 has been suspended.**

**MOTION WAS MADE BY COUNCILMAN FIEBIG**, seconded by Councilman Hallum to adopt Resolution No. 2015-9.

**Roll Call: 6 AYES – unanimous**

**MOTION PASSES**

**President Somich declared that Resolution No. 2015-9 has been adopted.**

#### **NEW BUSINESS**

There was no new business brought forth to be addressed by the Members.

#### **FOR THE GOOD OF THE ORDER**

##### **Councilman Biro:**

Don't want to sound like I'm beating a dead horse, but I do want to thank Frank and the Administration for the Auditor of the State Award because it truly is a phenomenal. When I came on it wasn't long after that we received subpoenas from the FBI looking for three hundred thousand and some dollars that they couldn't find and I remembered giving them my account information and saying good luck with that...my wife controls all of that, so anyway, but those were rough times. We can't thank him enough because he has really done a great job. Our reports are phenomenal and it's nice to know that we have some money in the bank. So thank you again for all your hard work and your staff too.

**Mayor Weger:**

Wanted to wish our Law Director a Happy Birthday!

**ADJOURNMENT**

**MOTION WAS MADE BY COUNCILMAN BIRO** seconded by Councilman Hallum to adjourn the Regular Council Meeting of October 8, 2015.

**Roll Call: 6 AYES - unanimous**

**MOTION PASSES**

**President Somich declared the Regular Council Meeting of October 8, 2015 to be adjourned at 8:57pm.**

**APPROVED:**

October 22, 2015  
Date



**Raymond C. Somich**  
*President of Council*

**ATTEST:**

  
Victoria Ann Savage, CMC  
*Clerk of Council*